



ESEM
ESCUELA DE SEGURIDAD
MULTIDIMENSIONAL-USP

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Course

ILLICIT MARKETS AND ORGANIZED CRIME IN THE AMERICAS



MINISTÉRIO DA
JUSTIÇA E
SEGURANÇA PÚBLICA



Eurofront

Class

The International Drug Prohibition Regime

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Introduction

This class address the **emergence of the International Drug Prohibition Regime and the main agents in its universalization**, including the consequences of this regime for different countries and for international relations.

For this, this class was divided between the history of drug prohibition, its main agents and interests, the presentation of the International Drug Control Regime, its treaties and institutions, and, finally, an analysis of the consequences of the prohibition of certain drugs and its direct impact on public safety and on the very notion of democracy.



Concepts

Psychotropic or psychotropic drugs: these are substances that act on our brain, the Central Nervous System, in different ways: depressing the activity of the central nervous system (i.e. alcohol, tranquilizers or anxiolytics, inhalants and narcotics); stimulating central nervous system activity (i.e. caffeine and tobacco, cocaine and crack, amphetamines and methamphetamines, and anorectics); and disturbing the central nervous system, i.e., hallucinogens (i.e. cannabis, LSD, ecstasy, ayahuasca, ibogaine, mescaline, and psilocybin);

Institutions

UN: the United Nations is an intergovernmental organization created in 1945 to promote cooperation internationally;

WHO: The World Health Organization is a specialized agency of the United Nations system focused on promoting political and technical cooperation in health matters..

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In the history of drug prohibition, **psychotropic substances** (or psychotropic drugs) **were called drugs, but not all were banned**, and the best-known exceptions are alcohol and tobacco, which, paradoxically, are among the six psychotropic drugs considered more harmful to health.

The coca leaf, cannabis and, mainly, opium, which were ritually consumed, were first transformed into commodities after the creation of trade routes between East and West in the 16th and 17th centuries and their use in medicine in the 19th century. The Opium Wars and the **Shanghai Opium Conference (1909)**, led by the American missionary Charles Henry Brent in partnership with the President at the time, Theodore Roosevelt, reveal that **it was moral and religious interests, as well as economic and diplomatic interests, that placed the ban on opium on the agenda.**



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After Shanghai, a series of other international conferences were held, with strong resistance from some opium-producing countries, such as Turkey, or manufacturers of opium-based drugs, such as Germany. These conferences resulted in a first treaty, the **1912 International Opium Convention**, ratified by only 5 countries, including China and the United States. This regulation was attached to the Treaty of Versailles after the First World War, which forced all signatory countries to also adhere to the document on drugs and, therefore, to the prohibition of these substances.

In the USA, this movement managed to implement **Prohibition**, which prohibited alcohol, in 1920, in a disastrous experience that, for many authors, marks the emergence of what people call nowadays organized crime.



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The current **International Drug Control Regime** is composed of two treaties :

1) **The Single Convention on Drug Control of 1961**, which with moral judgments demanded the prohibition and punishment of the non-medical use of several substances and inserted the issue of drug control in the structure of UN; the treaty created the Commission on Narcotic Drugs and determined that the classification of substances would be determined by WHO recommendations.

2) **The 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances** accompanied the emergence of other psychotropic substances, such as amphetamines and LSD, and the rise of related youth counterculture movements, which shifted the focus of the international system from use to the fight against trafficking; however, the urgency of the treaty imposed obligations on different countries without taking into account their level of development and the financial capacity to implement policies, which, in many cases, led to disproportionate spending on combating drugs in relation to the provision of basic rights of the population.

In 1991, the United Nations Drug Control Agency was created, which today forms part of the United Nations Office on Drugs and Crime.

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However, the ban of drug control substances has not able to, and would not be able to, make the demand for them disappear. On the contrary, **illegality originated a clandestine network of production and distribution of these drugs.**

In these markets, the impossibility of resorting to Justice means that conflicts are avoided or resolved through the use of violence. Therefore, **several studies have found a cause and effect relationship between drug prohibition and the increase in violence.**

In addition, organized crime linked to the drug market also corrupts government officials and institutions, weakening States and democracy itself, and especially harming communities that are already more vulnerable.



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With the criminalization of production, trade, transport and use of these substances, drug-related crime began to occupy a significant part of the work of police forces and criminal justice systems, which progressively increased the percentage of prisoners convicted for these crimes in prison systems around the world.

Today, according to the World Prison Brief, nearly **1 in 4 people incarcerated are incarcerated for drug-related crimes, and 22% of those people were arrested for possession of drugs for personal use**. The stigma of prison accompanies these people for the rest of their lives, with concrete impediments when trying to rebuild their lives and work formally.



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This context contributed to marginalize people who consume or are addicted to drugs, who avoid seeking help for fear of being arrested. In addition to this, the incremental investment in repressions, also withdrew resources for the treatment of dependents.

All of this led the UN to recognize that the **International Drug Control Regime had promoted quite harmful unintended consequences**, such as: the rise of a powerful clandestine market, investment in drug policies to the detriment of investment in other essential public policies, the geographical displacement of organized crime in the so-called balloon effect, the emergence of new, more potent substances with less chance of being detected, and the social exclusion of users.



Summary

- It presents the history of drug prohibition and the classification of psychotropic substances;
- It identifies the main treaties of the International Drug Control Regime;
- It introduces the harmful "unintended" consequences of drug prohibition globally.



Reference

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